

OFFICE OF THE CLERK

UNITED STATES COURT OF APPEALS

Marcia M. Waldron
ClerkFOR THE THIRD CIRCUIT
21400 United States Courthouse
601 Market Street
Philadelphia PA 19106-1790Telephone
267-299-4928

www.ca3.uscourts.gov

January 14, 2003

ORIGINAL

Mrs. Mary D'Andrea
 U.S. District Court for the Middle District of Pennsylvania
 Middle District of Pennsylvania
 228 Walnut Street
 Room 1060
 Harrisburg, PA 17108

RE: Docket No. 02-2050

Beam vs. Downey

D. C. CIV. No. 01-cv-00083

Dear Mrs. D'Andrea:

Enclosed is a certified copy of the judgment in the above-entitled case(s), together with copy of the opinion. The certified judgment is issued in lieu of a formal mandate and is to be treated in all respects as a mandate.

Kindly acknowledge receipt for same on the enclosed copy of this letter.

Counsel are advised of the issuance of the mandate by copy of this letter. A copy of the certified judgment is also enclosed showing costs taxed, if any.

Very truly yours,
 MARCIA M. WALDRON
 Clerk

Carmella L. Wells/dec

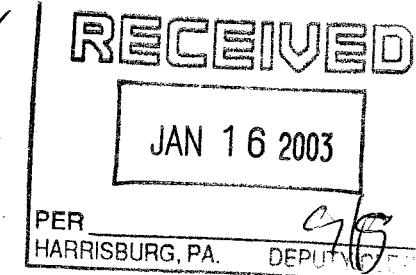
By: Carmella L. Wells
 Case Manager

Enclosure

cc:

Donald A. Bailey, Esq.
 Melinda B. Kaufmann, Esq.
 Stephen S. Russell, Esq.
 P. Daniel Altland, Esq.
 Steven J. Schiffman, Esq.

action 1/16/03 STB



UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 02-2050

BEVERLY BEAM,
Appellant

v.
SCOTT DOWNEY; ROGER MORRISON;
DAVID L. GRAYBILL; MICHAEL SWEGER

Appeal from the United States District Court
for the Middle District of Pennsylvania
(D.C. Civil No. 01-cv-00083)
District Court Judge: Honorable James F. McClure, Jr.

Submitted Pursuant to Third Circuit LAR 34.1(a)
on December 20, 2002
Before: NYGAARD, ALITO and RENDELL, Circuit Judges

JUDGMENT

This cause came on to be heard on the record from the United States District Court
for the Middle District of Pennsylvania and was submitted pursuant to Third Circuit LAR
34.1(a) on December 20, 2002. On consideration whereof, it is now here

ORDERED and ADJUDGED by this Court that the Order of the District Court
entered on April 10, 2002, be and the same is hereby AFFIRMED. All of the above in
accordance with the opinion of this Court. Costs taxed against the Appellant.

ATTEST:

Kathleen Brown
Acting Clerk

Dated: December 23, 2002

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sc
FILED
HARRISBURG, PA
JAN 16 2003
MARY E. D'ANDREA
Per CO/
Deputy Clerk

Page 2

No. 02-2050

Beam

vs.

Downey

Costs taxed in favor of Appellees, Scott Downey and Roger Morrison as follows:

Brief.....	\$32.50
Brief.....	\$41.99
Sales Tax.....	\$4.47
TOTAL.....	<u>\$78.96</u>

Costs taxed in favor of Appellees, David Graybill and Michael Sweger as follows:

Brief.....	\$91.43
TOTAL.....	<u>\$91.43</u>

**Certified as a true copy and issued in lieu
of a formal mandate on January 14, 2003.**

Teste: *Mariece M. Walden*

Clerk, U.S. Court of Appeals for the Third Circuit.

NOT PRECEDENTIAL

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 02-2050

FILED
HARRISBURG, PA

BEVERLY BEAM,
Appellant

JAN 16 2003

MARY E. D'ANDREA, CLERK
Per *[Signature]*
Deputy Clerk

v.

SCOTT DOWNEY; ROGER MORRISON;
DAVID L. GRAYBILL; MICHAEL SWEGER

Appeal from the United States District Court
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Before: NYGAARD, ALITO and RENDELL, Circuit Judges

(Filed **DEC 23 2002**)

OPINION OF THE COURT

RENDELL, Circuit Judge.

Beverly Beam appeals from an order entered in the District Court on April 10, 2002, granting defendants' motions to dismiss her complaint pursuant to Fed. R. Civ. P. 12(b)(6). In that complaint, Beam alleges that the defendants infringed on her

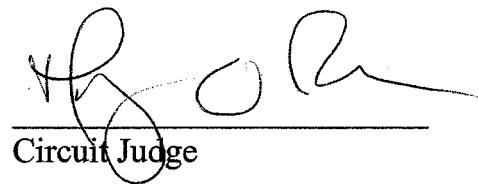
constitutional rights of equal protection and substantive due process, and committed various state law and antitrust violations. The District Court had jurisdiction under 28 U.S.C. §§ 1331, 1343, and 1367. We exercise jurisdiction pursuant to 28 U.S.C. § 1291, and will affirm.

As we write solely for the parties, we need not detail the factual background of this litigation. On appeal, Beam most prominently argues that the District Court abused its discretion in failing to convert the motions to dismiss to motions for summary judgment, and committed legal error in dismissing Beam's equal protection claims. Beam's arguments are meritless. After careful review, we agree that Beam's complaint failed to state a claim upon which relief can be granted, and will affirm for substantially the reasons set forth in the Memorandum filed by the District Court.

The order of the District Court will be AFFIRMED.

TO THE CLERK OF COURT:

Please file the foregoing opinion.



A handwritten signature in black ink, appearing to read "H. John" or a similar variation, is written over a horizontal line. Below the signature, the words "Circuit Judge" are printed in a standard font.

Dated: